

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

08-CR-6241L

v.

GREGORY BUTLER,

Defendant.

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Defendant, Gregory Butler (“Butler”), pleaded guilty on May 26, 2009, to both counts of the indictment, without benefit of a plea agreement. The indictment charges transportation and possession of child pornography. The Government believes that Butler’s potential range of imprisonment under the United States Sentencing Guidelines is 210-262 months.

After entry of the plea, Butler requested that the Court release him, with conditions, pending sentence, which is now scheduled for September 3, 2009. That motion is denied.

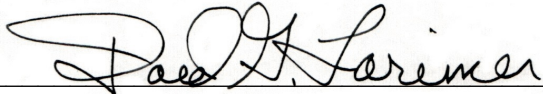
United States Magistrate Judge Marian W. Payson conducted a detention hearing upon Butler’s initial appearance on November 5, 2008, and ordered him detained based on the risk of flight and danger to the community. In opposition to Butler’s present request for release, the Government again provided, by proffer, much of the same information concerning Butler’s activities and statements relating to sexual activity with minors, that it had previously presented to Magistrate

Judge Payson. After reviewing the matter, I see no reason now, after Butler has pleaded guilty to both counts of the indictment, to modify or change Magistrate Judge Payson's detention order. I concur with Magistrate Judge Payson's order that Butler poses a danger to the community, and I believe there is also a risk of flight. The reasons for detention are more compelling now, Butler having pleaded guilty. Now there is a presumption that he should be detained pursuant to 18 U.S.C. § 3143.

#### CONCLUSION

Defendant's request for release pending sentencing is denied.

IT IS SO ORDERED.

  
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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
June 1, 2009.